

DANIEL K. INOUE, HAWAII
KENT CONRAD, NORTH DAKOTA
TIM JOHNSON, SOUTH DAKOTA
MARIA CANTWELL, WASHINGTON
JON TESTER, MONTANA
TOM UDALL, NEW MEXICO
AL FRANKEN, MINNESOTA

JOHN MCCAIN, ARIZONA
LISA MURKOWSKI, ALASKA
JOHN HOEVEN, NORTH DAKOTA
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MIKE JOHANNIS, NEBRASKA

LORETTA A. TUELL, MAJORITY STAFF DIRECTOR
DAVID A. MULLON JR., MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON INDIAN AFFAIRS
WASHINGTON, DC 20510-6450

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RSP
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1540

October 21, 2011

Mr. Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Mr. Michael J. Copps
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Mr. Robert M. McDowell
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ms. Mignon Clyburn
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Federal Communications Commission:

Thank you for the opportunity to submit comments to the Federal Communications Commission (FCC) as you prepare to vote on changes to the Universal Service Fund and the intercarrier compensation systems. We write to present our views to ensure that Native American Communities are adequately considered at your Commission meeting.

The Committee is well aware of the budgetary issues facing our Nation and the difficult decisions the FCC faces as it prepares to overhaul the Universal Service Fund. As the FCC considers its decisions on how to best serve underserved areas and ensure access to broadband in the United States, we ask that the Commission be mindful of the United States' trust responsibility to tribal governments, the current conditions in Native Hawaiian, Alaska Native and American Indian communities, and the Commission's own views on the needs in those Native communities.

At a recent Senate Committee on Indian Affairs oversight hearing entitled, "Internet Infrastructure in Native Communities: Equal Access to E-Commerce, Jobs and the Global Marketplace," the FCC witness, Mr. Geoffrey Blackwell, Chief of the Office of Native Affairs and Policy stated:

"The lack of communications service in Native America is alarming. The most recent reliable census data indicates that only 67.9 percent of tribal homes have basic telephone service. More troubling, less than 10 percent have access to broadband, the lifeblood of our 21st century economy, education, health care, and public safety.

Broadband can do much to level the negative impacts of history on Native communities. But it must be available, affordable, and accessible to meet its promise. Diverse and comprehensive needs make it clear that one size fits none, and almost no critical infrastructure has come to tribal lands without Federal investment, oversight and regulation."

At that hearing, we discussed how unique the infrastructure needs are in Native communities. As you are aware, within the State of Hawaii there are Hawaiian Homelands. These are the areas that are held in trust for Native Hawaiians by the State of Hawaii, pursuant to the Hawaiian Homes Commission Act of 1920. The Native Hawaiians who reside in those communities rely on telecommunications infrastructure to connect to the rest of the world and to ensure access to economic development, educational and healthcare opportunities.

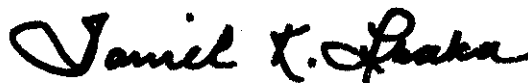
It is imperative that any plan for the Universal Service Fund and the intercarrier compensation systems includes a definition which includes Native Hawaiian Homelands and ensures that Native Hawaiians are able to fully participate in any overall plan or set-aside which includes American Indians and Alaska Natives. In fact, it is my recommendation that the FCC ensure that the definition of tribal lands that was included in the Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking which was adopted on February 8, 2011, which included Hawaiian Home Lands, is included in the Universal Service Fund. We also strongly recommend that Native Hawaiian communities are made part of any tribal set-aside that may be part of the Universal Service Fund and the intercarrier compensation system.

Last year, the Commission acknowledged its government-to-government responsibility to Native communities by establishing the Office of Native Affairs and Policy. On March 3rd of this year, the Commission held Native Nations Day, an historic meeting with tribal governments. In addition, the Commission staff has travelled to visit Native Hawaiian homelands, Alaska Native and American Indian communities prior to making important decisions affecting Native communities.

We commend the FCC for the outreach it has already made to Native Communities. However, in order for Native Hawaiian, Alaska Native and American Indian communities to achieve parity after years of having their infrastructure needs neglected, those efforts must continue. You have the opportunity to ensure that Native communities are not left behind in this communication age.

Thank you again for allowing the Committee to comment prior to the Commission's vote on changes to the Universal Service Fund. We look forward to continuing to work with you as we all look out for the well-being of Native peoples.

Sincerely,

A handwritten signature in black ink, reading "Daniel K. Akaka". The signature is fluid and cursive, with the first name "Daniel" being the most prominent.

DANIEL K. AKAKA
Chairman
Senate Committee on Indian Affairs



FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI
CHAIRMAN

November 17, 2011

The Honorable Daniel Akaka
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Akaka:

Thank you very much for your letter regarding the Commission's efforts to reform and modernize the Universal Service Fund (USF) and the intercarrier compensation system (ICC). Your thoughts and concerns were a valuable contribution to our process, and were considered as part of the Commission's deliberations.

On October 27, after many years of hard work on Capitol Hill, among the FCC's Commissioners, and by Commission staff, the Commission unanimously adopted a comprehensive Order overhauling the broken and backward-looking USF and ICC systems for the Internet age. By transitioning these programs to the Connect America Fund, we are delivering on our shared national goal of universal voice and broadband service – including universal mobile voice and broadband service – and enabling increased private sector investment in the indispensable infrastructure of the 21st century: broadband. Importantly, our reforms are fiscally responsible, eliminating waste and inefficiency, using market-based mechanisms to target support where it is needed, and putting the Fund on a firm budget.

The Commission's Order will create jobs beginning in 2012, and lay the foundation for enduring job creation, economic growth, and U.S. global competitiveness for years to come.

For your information, I am enclosing a copy of the Order's "Executive Summary." Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J".

Julius Genachowski

Enclosure